



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,069	11/03/2003	William Gabriel Pagan	RPS9-2003-0146US1	3724
45219	7590	01/10/2008	EXAMINER	
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			KUMAR, SRILAKSHMI K	
ART UNIT	PAPER NUMBER			
	2629			
MAIL DATE	DELIVERY MODE			
01/10/2008	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/700,069	PAGAN, WILLIAM GABRIEL	
Examiner	Art Unit		
Srilakshmi K. Kumar	2629		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 October 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-5,7,9,10,12-14,17-19 and 21-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3-5,7,9,10,12-14,17-19 and 21-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____ .
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ . 5) Notice of Informal Patent Application
6) Other: ____ .

DETAILED ACTION

The following office action is in response to the amendment, filed on October 26, 2007. Claims 1, 3-5, 7, 9, 10, 12-14, 17-19, 21-27 are pending. Claims 1, 10, 24-27 have been amended. Claims 2, 6, 8, 11, 15, 16, 20, 28-30 are cancelled.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-5, 7, 9, and 24 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 3-5, 7, 9 and 24 are directed to an apparatus, however, in the pre-grant publication of the instant application, paragraph 0027, applicant discloses where the invention claimed can be accomplished by software. Specifically, applicant states "all modules maybe implemented in software". This is considered non-statutory under 35 USC 101 as failing to be limited only to embodiments which fall within a statutory. Appropriate correction is required

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1, 3, 4, 9, 10, 12-14, 18, 22 and 24-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradski et al (US 6,369,476) in view of Murtha et al (US 7,197,562).

With reference to **claims 1, 10, 14, 18, 24, 25, and 27**, Bradski et al. teaches an apparatus for providing improved interaction to a user of a pointing device, the apparatus comprising: a pointing device interface module (104) configured to interface with a pointing device (see column 3, lines 10-18); an event buffer (108) configured to receive pointing device events generated by a user (see column 3, lines 53-59); directing pointing device events from the buffer to a receiving process (see column 3, lines 9-30); and a feedback module configured to provide visual feedback to the user regarding buffered pointing device events (see column 4, lines 12-20). Bradski et al. teaches that the feedback module is further configured to provide feedback to the user regarding pointing device events passed to a receiving process (see column 3, line 53-column 4, line 20), wherein the feedback module comprises a device driver residing on the driver level of an operating system (controller, column 2, lines 46-65)

Bradski et al. teaches providing the user with feedback as explained above, there fails to be any disclosure of the dialog listing and inventorying a buffered even quantity and a buffered event type for the buffered pointing device events and feedback comprising communicating a buffered event quantity or a buffered event type.

Murtha et al teach an apparatus and methods for an event management system. Murtha et al teach in Fig. 3, item 64, an event log for inventorying a buffered event quantity and an event type (col. 9, lines 49-col. 10, lines 26). Further, Murtha et al teach where the events are shown in a dialog listing in Fig. 3, item 64, col. 10, lines 2-15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the dialog listing and inventorying a buffered event quantity and event type as taught by Murtha et al to be carried out in a system similar to that which is taught by Bradski et al in order to enable the user to

determine events that have been completed and what events are still in the queue (Murtha et al col. 9, lines 49-col. 10, lines 26).

Bradski et al and Murtha et al fail to teach where the interface module and feedback module provide information on the pointing device events. Shwarts et al teach in col. 16, lines 17-25 where dialog boxes are displayed on the screen for processing user inputs, thus teaching where information on pointing device events. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the dialog box for pointing device events as taught by Shwarts et al into Bradski et al as modified by Murtha et al to enable live navigation and to acquire more information about the event (Shwarts et al, col. 3, lines 7-15)

With further reference to **claim 25**, Bradski et al. teaches a pointing device (314); a CPU (102) configured to execute at least one process; and a monitor (312) configured to display interface elements corresponding to at least one process (see column 5, lines 22-55).

With reference to **claims 3, 4, 12, and 13**, Bradski et al. teaches that the receiving process is an application process running on an operating system (see column 3, lines 9-30).

With reference to **claims 9, 22, and 26**, Bradski et al. teaches that the pointing device is selected from the group consisting of a mouse, a pen, a digitizing tablet, a trackball, a touch pad, a touch screen, a pointing stick, a data glove, and a gesture recognizer (see column 1, lines 39-53).

4. **Claims 5, 7, 17, 19, 21, 23, and 30** rejected under 35 U.S.C. 103(a) as being unpatentable over Bradski et al. in view of Murtha et al as applied to **claims 1-4, 9, 10, 12-14, 18, 22 and 24-27** as explained above and further in view of Bates et al. (U.S. Patent No. 6,664,990)

With reference to **Claims 5, 7, 17, 19, 21, 23, and 30**, Bradski et al as modified by Murtha et al teach all that is required as explained above including the teaching of providing visual feedback to the user (Bradski et al, see column 4, lines 12-20), there fails to be any disclosure of the audible feedback or tactile feedback.

Bates et al. teaches the a computer system having a graphical user interface object wherein the system is capable of providing audible, visual, as well as tactile feedback to the user (see column 5, lines 64-67); wherein the visual feedback being in the form of a status bar or modified cursor (see abstract; column 3, lines 39-41), or a cursor color or shape options (see column 8, lines 54-67). While not specifically teaching that the tactile feedback is selected from the group consisting of force, pressure, vibration, surface actuation, and motion, the examiner takes Official Notice in that all of the claimed tactile feedback forms are well known to those skilled in the art and would be obvious for usage in a device providing tactile feedback to the user.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the user to receive audible and tactile feedback similar to that which is taught by Bates et al. to be used in a system similar to that which is taught by Bradski et al. as modified by Murtha et al in order to generate a system capable registering user input and provide user feedback in order to thereby provide a system that allows for more accurate user input.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Srilakshmi K Kumar
Examiner
Art Unit 2629

SKK January 5, 2007